

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KENTA SETTLES,	)	CASE NO. 1:20-CV-01288
	)	
Plaintiff,	)	
	)	JUDGE DONALD C. NUGENT
vs.	)	
	)	
MICHAEL MALAK, <i>et al.</i> ,	)	<b><u>REPORT OF PARTIES' PLANNING</u></b>
	)	<b><u>MEETING UNDER FED. R. CIV. P. 26(f)</u></b>
Defendants.	)	<b><u>AND LR 16.3(b)</u></b>
	)	

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1. Pursuant to Fed.R.Civ.P. 26(f) and L.R. 16.3(b)(2), a meeting was held by

telephone on July 15, 2020, and was attended by:

Jeremy A. Tor, Counsel for Plaintiff Kenta Settles;

Daniel J. Rudary, Counsel for Defendants Michael Malak, Robert Pitts,

Brian Regovich, Rob Jarzemba, William Gall, Todd Vargo and the City of  
Garfield Heights; and

Justin M. Lovdahl, Counsel for Defendants Michael Malak, Robert Pitts,

Brian Regovich, Rob Jarzemba, William Gall, Todd Vargo and the City of  
Garfield Heights.

2. The parties will exchange pre-discovery disclosures required by FED. R. CIV. P.  
26(a)(1) and the Court's prior order by July 27, 2020.

3. The parties recommend the following track: Standard.

4. This case is suitable for one or more of the following Alternative Dispute  
Resolution (ADR) mechanisms: Case not suitable for ADR.

5. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan:

(a) The parties anticipate discovery on all liability and damages issues related to the claims and defenses set forth by the parties. Specifically, the parties will conduct discovery regarding the following: the incident described in the Complaint; the Plaintiff and the Defendants' medical records; documents and information related to the underlying criminal matter; policies, procedures, training, and customs of the Garfield Heights police department; personnel files of the Defendants; and Plaintiff's and Counterclaim Plaintiffs' economic and non-economic damages, injuries, and loss.. The parties agree to abide by the Federal and Local Civil Rules in all other respects.

(b) The parties have agreed to follow the default standard for discovery of electronically-stored information (Appendix K to Northern District Ohio Local Rules).

(c) Non-Expert Discovery cut-off date: January 29, 2021.

(d)

- i. Plaintiff's (or party with the burden of proof on an issue) (*Plaintiff's expert reports, including reports for Defendants' counterclaims*) expert report due date: February 26, 2021.
- ii. Defendant's (or party without the burden of proof on an issue) expert report due date: March 26, 2021.
- iii. Expert Discovery cut-off date: May 28, 2021.

7. Recommended dispositive motion date: June 30, 2021.
8. Recommended cut-off date for amending the pleadings and/or adding additional parties: September 30, 2020.
9. Recommended date for a Status Hearing: Mid-February, 2021.
10. Other matters for the attention of the Court: The parties intend to submit a proposed protective order to the Court primarily to protect the privacy of the parties' medical records.

Respectfully Submitted,

Attorney for Plaintiff: /s/ Jeremy A. Tor

Attorney for Defendants: /s/ Daniel J. Rudary (by email consent)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of July 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record and may be obtained through the Court's CM/ECF Systems.

/s/ Jeremy A. Tor

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***Counsel for Plaintiff***